Case 08-35653-KRH Doc 4066 Filed 07/13/09 Entered 07/14/09 15:05:14 Desc Main Page 1 of 11 Document

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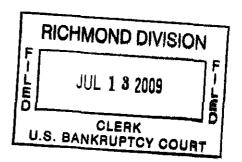
- and-

Chris L. Dickerson, Esq. SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP 333 West Wacker Drive Chicago, Illinois 60606 (312) 407-0700

- and-

Clerk of the Bankruptcy Court United States Bankruptcy Court 701 East Broad Street - Room 4000 Richmond, Virginia 23219

Dion W. Hayes (VSB No. 34304) Douglas M. Foley (VSB No. 34364) MCGUIREWOODS LLP One James Center 901 E. Cary Street Richmond, Virginia 23219 (804) 775-1000



IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

In re:

Chapter 11

CIRCUIT CITY STORES, INC.,

et al.

Case No. 08-35653(KRH)

Debtors.

Jointly Administered

RESPONSE OF FUJITSU TEN CORP. OF AMERICA TO **DEBTORS' TWENTIETH OMNIBUS OBJECTION TO CLAIMS** (RECLASSIFICATION TO UNSECURED CLAIMS OF CERTAIN CLAIMS FILED AS 503(B)(9) CLAIMS FOR GOODS RECEIVED BY THE DEBTORS NOT WITHIN TWENTY DAYS OF THE COMMENCEMENT OF THE CASES)

Claimant:

Fujitsu Ten Corp. of America

Claim Number:

777

Docketed Total:

\$374,740.80

Amount objected by Circuit City:

\$5,730.40

Fujitsu Ten Corp. of America, pursuant to Debtors' Twentieth Omnibus Objection to Claims, offers the following items to the Court for consideration of our claim number 777 for \$5,730.40.

1. Debtor objected the following invoices from our 503(b)(9) claim by claiming that the goods applicable to such invoices were received by Debtor outside from the statutory 20 day period:

Invoice Number	Invoice Amount		
197-1006672	\$1,550.40		
198-1006671	\$1,322.40		
199-1006673	\$1,535.20		
200-1006893	\$1,322.40		

- 2. However, our invoices and the delivery notification issued by the carrier, UPS, evidencing that the goods we delivered to Debtor subject to abovementioned invoices were received by Debtor on October 22, 2008. The documents evidencing this fact are attached herein as Exhibit A.
- 3. The paragraph 23 in the Debtors' Twentieth Omnibus Objection to Claims states that the 503(b)(9) is applicable to the goods received by the Debtors between October 21, 2008 and November 9, 2008:

"Pursuant to 503(b)(9) of the Bankruptcy Code, a claim is only entitled to priority for the value of goods received by the Debtors within twenty (20) days of the Petition Date) – (i.e., between October 21, 2008 and November 9. 2008)."

- 4. Based on the delivery evidences indicate that Debtor received the subject goods on October 22, 2008 which in fact 503(b)(9) of the Bankruptcy Code applies, Fujitsu Ten Corp. of America believes that the abovementioned invoice amount totaling \$5,730.40 should be reinstated to be classified as 503(b)(9) claims instead of the unsecured claims as Debtor reclassified.
- 5. We request this Honorable Court to review our response to Debtor's objection, and reinstate our Claim to our original filing of the Claim.

Respectively,

Hiraki Morishita

Chief Operating Officer

July 9, 2009

Fujitsu Ten Corp. of America Attn: Eiko Kubota-Cywinski 19600 S. Vermont Ave., Torrance, CA 90502 Tel. (310) 767-4366

Fax. (310) 767-4353

Document Page 3 of 11 Attachment A-1 Invoice # 1006672: Issued Invoice

ISU TEN

Main Phone (310) 327-2151 O.E.M (800) 421-1996 Parts-Serv: (800) 423-8161 Fax Credit: (310) 767-4380

Bill To:

CIRCUIT CITY, INC

CIRCUIT CITY, INC VEN# 070641

ATTN: MERCH A P DEEP RUN 3 9954 MAYLAND DR.

RICHMOND, VA 23233

Ship To:

CIRCUIT CITY, INC 255-BETHLEHEM

CIRCUIT CITY DIST. CENTER 4000 TOWNSHIP LINE RD BETHLEHEM, PA 18020

Phone: (800) 233-2216 Fax:

(310) 767-4375

Please include the invoice number on all remittances and include remittance copy with postal payments.

> Invoice 1006672

Billing Date 10/16/2008

Shipping Date 10/16/2008 Ship Via

Shipping Reference 1Z9387480340469428 Purchase Order

Number

UPS

2167932 / SHIP ID 197

Sales Order 14049

Salesperson Odle, Michel

Ship Via **UPS**

Customer Number

E47043

Terms 60 NET **Due Date** 12/15/2008

FUJITSU TEN CORP. OF AMERICA TERMINAL ANNEX POSTAL FACILITY PO BOX 514668

Remit To Address

LOS ANGELES, CA 90051-4668

Item Num	Description	Qty	Ordered	Qty Shipped	Unit Price	Extended Amount
1	SE6900* 6X9 3WAY COAXIAL		12.00	12	53.20	638.40
2	SE6500* 6-1/2 3WAY COAXIAL		24.00	24	38.00	912.00

Special Instructions:

Comments:

Buyer's purchase order is subject to the following Conditions of Sale

PRICES: Prices are subject to change without notice. Prices charged will be those in effect at time of shipment.

TAXES: Buyer shall be liable for all Sales, Use, Excise or similar taxes not included in the total invoice price. Where such taxes are included by Seller, Buyer shall pay such taxes unless tax exemption certificate is furnished to the Seller which is acceptable to the appropriate taxing authority.

RETURNS: No returns will be accepted without prior written authorization

SubTotal 1,550.40 Tax 0.00 Shipping 0.00 Total 1,550.40 UPS: Tracking Information

Document

Page 4 of 11

Page 1 of 1

Attachment A-2 Invoice # 1006672: Delivery Notification



Delivery Notification

Dear Customer,

This is in response to your request for delivery information concerning the shipment listed

Tracking Number:

1Z 938 748 03 4046 942 8

Reference Number(s): 14049, 01 Service:

GROUND

Weight:

Shipped/Billed On:

28.00 Lbs 10/16/2008

Delivered On:

10/22/2008 8:50 A.M.

Delivered To:

4000 TOWNSHIP LINE RD

BETHLEHEM, PA, US 18020

Signed By:

RANSOM

Location:

DOCK

Thank you for giving us this opportunity to serve you.

Sincerely, **UPS**

Tracking results provided by UPS: 11/25/2008 8:00 P.M. ET

https://www.

Page 1 of 1

Attachment A-3 Invoice # 1006671: Issued Invoice

CIRCUIT CITY, INC

9954 MAYLAND DR.

CIRCUIT CITY, INC

CIRCUIT CITY DIST, CENTER

19925 INDEPENDENCE BLVD GROVELAND, FL 34736

775-ORLANDO

RICHMOND, VA 23233

ATTN: MERCH A

P DEEP RUN 3

Ship To:

CIRCUIT CITY, INC VEN# 070641

Bill To:

Main Phone (310) 327-2151 O.E.M (800) 421-1996 Parts-Serv: (800) 423-8161 Fax Credit: (310) 767-4380

Phone: (800) 233-2216 Fax: (310) 767-4375

Please include the invoice number on all remittances and include remittance copy with postal payments.

> **Invoice** 1006671 **Shipping Date**

Billing Date 10/16/2008

10/16/2008 Ship Via

Shipping Reference 1Z9387480342445762 **Purchase Order**

Number

UPS Sales Order

2167937 /SHIP ID 198

14162

Salesperson Odle, Michel

Ship Via **UPS** E47043

Customer Number

Terms

60 NET

Due Date

12/15/2008

Remit To Address

FUJITSU TEN CORP. OF AMERICA TERMINAL ANNEX POSTAL FACILITY PO BOX 514668

Season of the control	M. California and M. Californi	LOS ANGELES, CA 90051-4668				
Item Num	Description	Qty Ordered	Qty Shipped	Unit Price	Extended Amount	
1	SE6500* 6-1/2 3WAY COAXIAL	18.00	18	38.00	684.00	
2	SE6900* 6X9 3WAY COAXIAL	12.00	12	53.20	638.40	
Comments:				SubTota	al 1,322.40	
				Ta	0.00 ×	
				Shipping	g 0.00	
Special Instructions:			Tota	1,322.40		

Buyer's purchase order is subject to the following Conditions of Sale

PRICES: Prices are subject to change without notice. Prices charged will be those

in effect at time of shipment.

TAXES: Buyer shall be liable for all Sales, Use, Excise or similar taxes not included in the total invoice price. Where such taxes are included by Seller, Buyer shall pay such taxes unless tax exemption certificate is furnished to the Seller which is acceptable to the appropriate taxing authority.

RETURNS: No returns will be accepted without prior written authorization

Attachment A-4 Invoice # 1006671: Delivery Notification



Delivery Notification

Dear Customer,

This is in response to your request for delivery information concerning the shipment listed below.

Tracking Number:

1Z 938 748 03 4244 576 2

Reference Number(s): 14162, 01

GROUND

Service: Weight:

28.00 Lbs

Shipped/Billed On:

10/16/2008

Delivered On:

10/22/2008 11:19 A.M.

Delivered To:

19925 INDEPENDENCE BLVD GROVELAND, FL, US 34736

Signed By:

KOWALSKI



Location:

DOCK

Thank you for giving us this opportunity to serve you.

Sincerely, **UPS**

Tracking results provided by UPS: 11/25/2008 7:39 P.M. ET

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Transaction 1006673

Document

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Attachment A-5 Invoice # 1006673: Issued Invoice

ISU TEN

Main Phone (310) 327-2151 O.E.M (800) 421-1996 Parts-Serv: (800) 423-8161 Fax Credit: (310) 767-4380

Bill To:

CIRCUIT CITY, INC CIRCUIT CITY, INC VEN# 070641 ATTN: MERCH A

P DEEP RUN 3 9954 MAYLAND DR. RICHMOND, VA 23233

Ship To:

CIRCUIT CITY, INC 755-MARION CIRCUIT CITY DIST. CENTER 1100 CIRCUIT CITY RD MARION, IL 62959

Phone: (800) 233-2216 Fax:

(310) 767-4375

Please include the invoice number on all remittances and include remittance copy with postal payments.

> **Invoice** 1006673

Billing Date 10/16/2008

Shipping Date 10/16/2008 Ship Via

Shipping Reference 1Z9387480342443291 **Purchase Order**

Number

UPS Sales Order

2167936 /SHIP ID 199

14146

Salesperson Odle, Michel

Ship Via E47043 UPS

Customer Number

Terms 60 NET **Due Date** 12/15/2008

Remit To Address FUJITSU TEN CORP. OF AMERICA TERMINAL ANNEX POSTAL FACILITY PO BOX 514668

LOS ANGELES, CA 90051-4668

		LOS ANGELES, CA 30031 1000				
Item Num	Description	Oty Ordered	Qty Shipped	Unit Price	Extended Amount	
Herminger	SE6500* 6-1/2 3WAY COAXIAL	18.00	18	38.00	684.00	
2	SE6900* 6X9 3WAY COAXIAL	16.00	16	53.20	851.20 j	
\$1. 10 - 0 cope and a commonweal war."	. Been approximately the common and a community to the contract and a contract and the cont			SubTotal	1,535.20	
Comments:				Tax	0.00	
				Shipping	0.00	
Cuncial Task	-wetions:			Tota		

Special Instructions:

Buyer's purchase order is subject to the following Conditions of Sale PRICES: Prices are subject to change without notice. Prices charged will be those in effect at time of shipment.

TAXES: Buyer shall be liable for all Sales, Use, Excise or similar taxes not included in the total invoice price. Where such taxes are included by Seller, Buyer shall pay such taxes unless tax exemption certificate is furnished to the Seller which is acceptable to the appropriate taxing authority.

RETURNS: No returns will be accepted without prior written authorization

Attachment A-6 Invoice # 1006673: Delivery Notification



Delivery Notification

Dear Customer,

This is in response to your request for delivery information concerning the shipment listed below.

Tracking Number:

1Z 938 748 03 4244 329 1

Reference Number(s): 14146, 01

Service: Weight:

GROUND 28.00 Lbs

Shipped/Billed On:

10/16/2008

Delivered On: **Delivered To:**

10/22/2008 9:57 A.M.

1100 CIRCUIT CITY RD

MARION, IL, US 62959

Signed By:



Location:

DOCK

Thank you for giving us this opportunity to serve you.

Sincerely, **UPS**

Tracking results provided by UPS: 11/25/2008 8:03 P.M. ET

Desc Main

Attachment A-7 Invoice # 1006893: Issued Invoice



CIRCUIT CITY, INC

9954 MAYLAND DR.

CIRCUIT CITY, INC

567-ARDMORE-CE

1901 COOPER DRIVE ARDMORE, OK 73401

CIRCUIT CITY DIST. CENTER

RICHMOND, VA 23233

ATTN: MERCH A

P DEEP RUN 3

Ship To:

CIRCUIT CITY, INC VEN# 070641

Bill To:

Main Phone (310) 327-2151 O.E.M (800) 421-1996 Parts-Serv: (800) 423-8161 Fax Credit: (310) 767-4380 /ECLIPSE

Phone: (800) 233-2216 Fax: (310) 767-4375

Please include the invoice number on all remittances and include remittance copy with

postal payments.

Invoice 1006893 Shipping Date 10/17/2008

10/17/2008 Shipping Reference 1Z9387480341616329

Billing Date

Ship Via Purchase Order Number

UPS

2167935 / SHIP ID 200 **Salesperson**

Sales Order 14081 Ship Via

Odle, Michel
Customer Number

E47043

Terms 60 NET

UPS

Due Date 12/16/2008

Remit To Address

FUJITSU TEN CORP. OF AMERICA TERMINAL ANNEX POSTAL FACILITY PO BOX 514668

LOS ANGELES. CA 90051-4668

Total

1,322.40

Item Num	Description	Qty Ordered	Qty Shipped	Unit Price	Extended Amount
1	SE6500* 6-1/2 3WAY COAXIAL	18.00	18	38.00	684.00
2	SE6900* 6X9 3WAY COAXIAL	12.00	12	53.20	638.40

 Comments:
 SubTotal
 1,322.40

 Tax
 0.00

 Shipping
 0.00

Special Instructions:

Buyer's purchase order is subject to the following Conditions of Sale PRICES: Prices are subject to change without notice. Prices charged will be those

in effect at time of shipment.

TAXES: Buyer shall be liable for all Sales, Use, Excise or similar taxes not included in the total invoice price. Where such taxes are included by Seller, Buyer shall pay such taxes unless tax exemption certificate is furnished to the Seller which is acceptable to the appropriate taxing authority.

RETURNS: No returns will be accepted without prior written authorization

Attachment A-8 Invoice # 1006893: Delivery Notification



Delivery Notification

Dear Customer,

This is in response to your request for delivery information concerning the shipment listed below.

Tracking Number: 1Z 938 748 03 4161 632 9

Reference Number(s): 14081, 01 Service: GROUND Weight: 28.00 Lbs

Shipped/Billed On: 10/17/2008

 Delivered On:
 10/22/2008 10:03 A.M.

 Delivered To:
 1901 COOPER DR

ARDMORE, OK, US 73401

Location: DOCK

Thank you for giving us this opportunity to serve you.

Sincerely, UPS

Tracking results provided by UPS: 11/25/2008 8:07 P.M. ET

CERTIFICATE OF SERVICE

I, Hiraki Morishita, served the foregoing document entitled "Response of Fujitsu Ten Corp. Of America to Debtors' Twentieth Omnibus Objection to Claims (Reclassification to Unsecured Claims of Certain Claims Filed as 503(b)(9) Claims for Goods Received by the Debtors Not Within Twenty Days of the Commencement of the Cases)" by this date by sending a copy thereof via Federal Express for delivery to:

Gregg M. Galardi, Esq.
Ian S. Fredericks, Esq.
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP
One Rodney Square
PO Box 636
Wilmington, Delaware 19899-0636
(302) 651-3000

Douglas M. Foley (VSB No. 34364) MCGUIREWOODS LLP One James Center 901 E. Cary Street Richmond, Virginia 23219 (804) 775-1000

Dion W. Hayes (VSB No. 34304)

Chris L. Dickerson, Esq. SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP 333 West Wacker Drive Chicago, Illinois 60606 (312) 407-0700

- and-

- and-

Clerk of the Bankruptcy Court United States Bankruptcy Court 701 East Broad Street – Room 4000 Richmond, Virginia 23219

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Hiraki Morishita

Chief Operating Officer

Fujitsu Ten Corp. of America

19600 South Vermont Ave.,

Torrance, CA 90502

(310) 327-2151

July 10, 2009